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The Seattle Bar Association



A Hand Book

CONTAINING

Secretary's Foreword
Roster of Past Officers
Officers for 1918-1919
Committees for 1918-1919
Roster of Honorary Members
Roster of Members
Honor Roll of King County Bar
Articles of Incorporation
Constitution
By-Laws
Code of Ethics



JUNE—1919

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The Seattle Bar Association

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Secretary's Foreword

This handbook is published in order that the members of the Association may have the constitution, by-laws, membership list and other data in convenient form for ready reference. It is not intended to perform the functions of the year book.

During the World War, an extraordinary amount of work has devolved upon the members of the legal profession, and the members of the Seattle Bar have been no exception to the rule that the American Bar has done its duty in all forms of war work. The Honor Roll, placed in Department No. 1 of the Superior Court of King County, reproduced in this booklet, shows that 117 members of the Seattle Bar gave up their practice and served under the Colors. A very high percentage of these received commissions. Three gave their lives in battle in France. Those who stayed at home assisted in the drives for the sale of Liberty Bonds, for the Red Cross and War Savings, and they bore the brunt of the work in such organizations as the Minute Men and Four Minute Men, the City and County Local Boards, Legal Advisory Boards, Councils of Defense and other branches of war work. The Bar of Seattle and King County made a record of war service of which this Association may be justly proud. Certain matters connected with war work were referred direct to this Association and committees appointed to handle same. The Committee on War Service performed work of a legal nature for the men in service and their families which deserves special mention.

Now that the war is ended and the members are relieved from their heavy war duties, it is to be hoped that the normal activities of the Bar Association will be resumed with renewed vigor.

Respectfully submitted,

EARL G. RICE,
Secretary.

Seattle, June 1, 1919.

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WEST, EUGENE R.
WHEAT, RUSH P.

PATEK, R. C.
PIXBY, M. M.

SANSOM, F. C.
SWELLENBACH, L. B.
SHARPE, R. G.
SULLIVAN, J. J.

* Killed in action.

Articles of Incorporation
of
The Seattle Bar Association

We, the undersigned, attorneys at law, duly admitted and practicing in the City of Seattle, under and by virtue of the laws of the State of Washington, do hereby associate ourselves for the purpose of incorporating under the laws of the State of Washington and of being incorporated by the name and for the objects and purposes hereinafter specified.

FIRST.

The name of this association shall be THE SEATTLE BAR ASSOCIATION.

SECOND.

The duration of this corporation shall be fifty (50) years.

THIRD.

The objects of this corporation shall be to maintain the honor and dignity of the profession of the law, to increase its usefulness in promoting a due administration of justice and to cultivate social intercourse among its members.

FOURTH.

This corporation is social in its nature and not for the pecuniary profit of its members, and this corporation shall have no capital stock.

FIFTH.

The principal place of business of this corporation shall be Seattle, King County, Washington.

SIXTH.

The officers of this corporation shall be a president, two vice-presidents, secretary, treasurer and nine trustees.

IN WITNESS WHEREOF, we have hereunto subscribed our names this 21st day of June, 1906.

Constitution
of
The Seattle Bar Association

ARTICLE I.

NAME.

This organization shall be called THE SEATTLE BAR ASSOCIATION.

ARTICLE II.

OBJECTS.

The Association is established to maintain the honor and dignity of the profession of the law, to increase its usefulness in promoting the due administration of justice, and to cultivate social intercourse among its members.

ARTICLE III.

MEMBERS.

The members of the Bar who sign the preliminary articles are hereby declared to be members of this Association; but such of them as shall omit to subscribe to this constitution and pay the admission fee on or before the first day of September, 1906, shall cease to be members and can only become such by subsequent admission.

Any member of the profession in good standing, residing or practicing in the City of Seattle, may become a member by vote of the Association, on recommendation of the committee on admissions as hereinafter provided, and on subscribing to this constitution and paying the admission fee and the dues for one year.

Members of the profession of the State of Washington in good standing, neither residing nor practicing in the City of Seattle, may in like manner become members of this Association, having all the privileges of the same except that of voting.

But no person shall be eligible for membership in this Association until after the expiration of two year's residence and practice in King County, Washington.

ARTICLE IV.

OFFICERS.

The officers of the Association shall be a President, two Vice-Presidents, Secretary, Treasurer, nine Trustees, a Committee on Admissions of fifteen members and a Committee on Grievances of nine members.

These officers shall be elected at the annual meeting to be held on the last Wednesday of June, in each year at eight o'clock P. M.

The Trustees and the Committee on Admissions and the Committee on Grievances chosen at the next annual election shall divide themselves into three classes of equal numbers each. The first class of each committee shall hold office for three years; the second class two years; and the third class one year; and thereafter each annual election shall be for three trustees and five members of the Committee on Admissions and three members of the Committee on Grievances, to hold office for three years, and for such additional number, if any, as may be necessary to fill vacancies to hold office during the remainder of the terms of the members whose places they fill.

No member who shall have been elected an officer of the Association or a member of the Committee on Admissions or the Committee on Grievances shall be eligible for re-election to such office or committee until one year after the expiration of the term for which he was so elected.

ARTICLE V.

TRUSTEES.

The Trustees shall manage the affairs of the Association subject to the constitution and by-laws. All appropriations of the funds of the Association must be made by the Trustees, unless ordered by the Association by a two-thirds vote.

ARTICLE VI.

COMMITTEE ON ADMISSIONS.

No person shall be admitted to membership of the Association unless he shall have been recommended by the Committee on Admissions in such manner as shall be provided by the by-laws.

ARTICLE VII.

COMMITTEE ON GRIEVANCES.

The Committee on Grievances shall be charged with the hearing of all complaints against members of the Association and also all complaints which may be made in matters affecting the interest of the legal profession, the practice of the Law, and the administration of justice, whose duties shall be set forth in the by-laws.

ARTICLE VIII.

OTHER STANDING COMMITTEES.

The Association may provide by its by-laws for such other standing committees as it may deem necessary.

ARTICLE IX.

HONORARY MEMBERS.

Any member of the Association who may become a judge or justice of any Court of Record shall be, while he shall hold such office, an honorary member of the Association and shall be entitled to all of its privileges except that of voting and shall be exempt from the payment of dues.

The Judges of the Courts of the United States, of the Court of Appeals sitting in this State, and of the Supreme Court of the State, shall be ex-officio honorary members.

ARTICLE X.

MEETINGS OF THE ASSOCIATION.

There shall be an annual meeting of the Association at eight o'clock P. M. on the last Wednesday of June of each and every year, and stated meetings on the second Wednesday of September, December and March in each year at eight o'clock P. M. At these stated meetings and at any regular adjournment thereof, all powers of the Association may be exercised.

Special meetings may be called at any time by the Trustees, and shall be called by the Secretary upon the written request of ten members, specifying the purpose of such call. At such special meetings no business shall be transacted except such as shall be specified in the call thereof.

At any meeting of the Association the presence of twenty-five members shall be necessary to constitute a quorum.

ARTICLE XI.

ADMISSION FEE AND ANNUAL DUES.

The admission fee shall in all cases be Five Dollars to be paid, except as hereinafter set forth, on signing the constitution. The admission fee shall pay all dues until the next annual meeting of the Association. The annual dues thereafter shall be Five Dollars for each member, unless it shall be otherwise provided in the By-Laws, except in case of non-resident and honorary members, who shall be exempt from the payment of annual dues.

ARTICLE XII.

SUSPENSIONS AND EXPULSIONS.

Any member of the Association may be suspended or expelled for misconduct in his relations to this Association or in his profession, on conviction thereof, in such manner as may be prescribed by the by-laws; and all interest in the property of the Association, held by persons resigning or otherwise ceasing to be members, shall vest in the Association.

ARTICLE XIII.

ELECTIONS.

All elections shall be by ballot. The officers elected shall enter upon their duties immediately upon their election, and shall hold office until their successors are elected or appointed.

In case of a vacancy in any office, it shall be filled by appointment of the Trustees until the next annual election, except in the case of a vacancy occurring in the office of President, which shall be filled by the Association at its first stated meeting occurring more than ten days after the happening of such vacancy.

ARTICLE XIV.

This constitution shall go into immediate effect.

ARTICLE XV.

AMENDMENTS.

This constitution may be amended, but only by a two-thirds vote of the members present, at any stated meeting of the Association, and provided notice of the proposed amendment, subscribed by ten members, be given at a previous stated meeting, and that notice of the same be also given by the Secretary in the notices of the meeting.

By-Laws

I.

PRESIDING OFFICERS.

At all meetings of the Association the President, or in his absence one of the Vice-Presidents, or in the absence of all of them, any member so chosen shall preside.

II.

ORDER OF BUSINESS.

At each stated meeting of the Association the order of business shall be as follows:

1. Reading of Minutes of preceding meeting.
2. Report of Trustees.
3. Report of Treasurer.
4. Report of Committee on Admissions.
5. Report of Committee on Grievances.
6. Elections.
7. Reports of other standing committees.
8. Reports of special committees.
9. Special business.
10. Miscellaneous business.

This order of business may be changed by a vote of a majority of the members present.

The usual parliamentary rules and orders shall govern all meetings of the Association, except in cases otherwise provided for by the constitution or by-laws.

III.

SECRETARY.

The Secretary shall keep a record of the proceedings of all meetings of the Association and of all matters of which a record shall be ordered by the Association. He shall notify the officers and all members of committees of their election or appointment,

shall issue notices of all meetings and in case of special meetings shall add a brief note of the object of the call. He shall furnish to the Treasurer the names of all persons newly elected to membership. He shall be the keeper of the seal of the Association.

He shall conduct the correspondence of the Association with the concurrence of the President.

IV.

TREASURER.

The Treasurer shall keep at all times a complete roll of the members, and shall notify new members of their election. He shall collect, and under the direction of the Trustees disburse, all funds of the Association. He shall keep regular accounts, in books belonging to the Association, which shall be open to the inspection of any member of the Trustees. He shall report in writing at each stated meeting of the Association and of the Trustees the balance of money on hand and any existing appropriations which may affect the same.

At the annual meeting he shall make a full report of the receipts and disbursements of the past year, suitably classified, and of all outstanding obligations of the Association, with an estimate of the resources and probable expenses of the coming year, and any suggestions he may think proper to make.

His accounts shall be audited by three members of the Association, to be elected by ballot at the stated meeting preceding the annual meeting in each year, who shall report thereon at such annual meeting.

V.

TRUSTEES.

The Trustees shall meet at least once a month, except July and August. Five members shall constitute a quorum. They shall have the power to make such regulations and take such action, not inconsistent with the constitution and by-laws, as shall be necessary for the protection of the property of the Association, and they shall have the general management of its affairs.

They shall keep a record of their proceedings, which shall be read at the ensuing meeting of the Association, and shall report at each meeting any business which, in their judgment, requires the action of the Association.

VI.

COMMITTEE ON ADMISSIONS.

The Committee on Admissions shall meet at least once in each month, except July and August.

Candidates for membership must be proposed by two members of the Association, who shall send to the Chairman of the Committee the name of the candidate, together with the street number of his place of business, and also such statement in respect to his qualifications as the proposers may think proper.

No member of the Committee shall propose any candidate.

No candidate shall be voted upon by the Committee until his name, together with the names of the members proposing him, shall have been read at the previous stated meeting of the Association.

The Committee shall receive and consider all communications respecting the candidate and make diligent inquiry as to his character and qualifications.

The proceedings of the Committee shall be secret and confidential.

The candidate against whom there shall be three negative votes in the Committee shall not be recommended for admission.

VII.

ELECTION TO MEMBERSHIP.

A vote by ballot upon those who are recommended shall be cast in the Association, and one negative vote in every five shall exclude the candidate.

No candidate who shall have been excluded upon such vote shall be again proposed within one year thereafter. If any person elected does not, within one month after notice of his election, signify his acceptance by signing the constitution and by-laws and by payment of his admission fee, he shall be deemed to have declined to become a member.

VIII.

NON-PAYMENT OF DUES.

When any member becomes more than one year in arrears on his annual dues, the Secretary shall notify such member of his delinquency and if such member shall not pay up such arrearage

within thirty days after such notice the Secretary shall report the same to the Trustees, who shall be authorized to strike such member's name from the Roll and such person shall then cease to be a member of the Association.

IX.

STANDING COMMITTEES.

In pursuance of Article VIII of the constitution, there shall be the following standing committees :

1. A committee on the Amendment of the Law, who shall be charged with the duty of watching all proposed changes in the law, and of proposing such amendments as in their opinion should be recommended by this Association. Members are invited to send to this Committee at any time suggestions of existing defects in the law and of any amendment which they think advisable.

2. A Judiciary Committee, who shall be charged with the duty of observing the practical working of our judicial system, of entertaining and examining projects for change or reform in the system, and it shall be their official duty to consider the fitness of candidates for judicial office, with power to recommend to the Association, at special meetings or otherwise, such action as they may deem expedient.

3. A Committee on Federal Legislation, whose duty it shall be to watch all proposed changes in the federal law and to propose such changes or such action as in their opinion should be recommended by the Association.

4. A Committee on Professional Ethics, whose duties shall be (a) to take original action, or to co-operate with the American Bar Association and other associations of lawyers in the United States, in matters tending to the elevation of the standard of professional honor and conduct; (b) to examine into any practice or method of procuring or transacting business by lawyers which may be regarded as prejudicial to the welfare of the profession or of the community and to report its findings to the Board of Trustees; (c) when consulted, to advise inquirers respecting questions of proper professional conduct, reporting its action to the Board of Trustees from time to time.

X.

PROCEEDINGS OF COMMITTEES.

Each of the committees named in the foregoing by-laws, except the Committee on Professional Ethics, shall consist of five members, to be appointed annually by the President of the Association, who shall continue in office until the annual meeting next after their appointment and until their successors are appointed; and each of said committees shall have power to fill vacancies.

The Committee on Professional Ethics shall consist of nine members, to be appointed by the President immediately after the adoption of this by-law, three of whom shall serve until the next annual meeting and three until the annual meeting in 1919 and three until the annual meeting in 1920. After each annual meeting, the President shall appoint three members to serve for a term of three years.

All committees shall have power to fix their own time and place of meeting, and to adopt regulations for their own government and course of proceeding not inconsistent with the constitution and by-laws, and subject to revision by the Association.

Any standing committee may, by rule, provide that three successive absences from the meetings of the Committee, unexcused, shall be deemed a resignation, by the member so absent, of his place upon the Committee.

Any standing committee may, by rule, impose upon its members a fine for non-attendance, and may provide for the disposal of the fines collected under such rule.

Every standing committee elected or appointed under the constitution or by-laws shall, at the stated annual meeting, report in writing a summary of all the proceedings of such committee since its last annual report (except such matters as the by-laws of the Association requires to be kept secret), together with any suggestions deemed suitable and appertaining to its powers, duties or business. A general summary of all such annual reports, and of the annual reports of the officers, shall be prepared and printed by and under the direction of the Trustees, together with the Articles of Incorporation, Constitution, By-Laws and names of officers, standing committees and members of the Association, as soon as practicable after the annual meeting.

XI.

COMMITTEE ON GRIEVANCES.

SECTION 1. The Committee on Grievances shall of its own motion, on complaint, or at the request of the State Board of Law Examiners or any member thereof, investigate the conduct or acts of any lawyer or licensed law clerk in King County, deemed by the Committee, or alleged to be, immoral or unprofessional, or in violation of the purpose and spirit of Chapter 115, Laws of 1917, regulating the practice of law in this State.

SEC. 2. All investigations shall be completed as soon as practicable after complaint lodged or request made, and at the conclusion thereof the Committee shall report its recommendations together with the evidence (if requested) to the State Board of Law Examiners, and if prosecution be recommended the Committee shall cause its attorney to prepare and file with said Board formal complaint and instruct him to prosecute the same. None of the above proceedings shall be made public, except as above provided or unless otherwise ordered by the Association.

SEC. 3. The Trustees shall, from time to time, appoint a member of the Association to assist the Grievance Committee as its attorney, and shall pay out of the funds of the Association the reasonable disbursements of the Committee for expenses incurred in investigations including reasonable compensation for its attorney.

SEC. 4. The Committee on Grievances shall ascertain and report to the Association the result of every prosecution of any member of the Association before the State Board of Law Examiners. In cases of judgment of disbarment finally affirmed by the Supreme Court of the State, the member so disbarred shall stand *ipso facto* expelled from the Association and his name shall be stricken from the rolls. In all other cases the prosecuted member may be expelled by a two-thirds vote of the members of the Association present and voting on the report of his case.

XII.

AMENDMENT OF BY-LAWS.

These by-laws may be amended at any meeting of the Association, but only by a vote of two-thirds of those present, and provided that ten days' notice in writing of the proposed amendment shall have been given to the Trustees, and also that notice of the same shall have been given by the Secretary in the notices of the meeting.

Canons of Ethics
of
The American Bar Association

I.

PREAMBLE.

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

II.

THE CANONS OF ETHICS.

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned:

1. *The Duty of the Lawyer to the Courts.*

It is the duty of the lawyer to maintain toward the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

2. *The Selection of Judges.*

It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selection of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.

3. *Attempts to Exert Personal Influence on the Court.*

Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relations of the parties, subject both the Judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only proper foundation for cordial personal and official relations between Bench and Bar.

4. *When Counsel for an Indigent Prisoner.*

A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5. *The Defense or Prosecution of Those Accused of Crime.*

It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

6. *Adverse influences and Conflicting Interests.*

It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

7. *Professional Colleagues and Conflicts of Opinion.*

A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

8. *Advising Upon the Merits of a Client's Cause.*

A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

9. *Negotiations With Opposite Party.*

A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

10. *Acquiring Interest In Litigation.*

The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.

11. *Dealing With Trust Property.*

Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent should not be commingled with his private property or be used by him.

12. *Fixing the Amount of the Fee.*

In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

¹ [13. *Contingent Fees.*

Contingent fees lead to many abuses and where sanctioned by law should be under the supervision of the Court.]

13. *Contingent Fees.*

Contingent fees, where sanctioned by law, should be under the supervision of the Court in order that clients may be protected from unjust charges.

14. *Suing a Client for a Fee.*

Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

15. *How Far a Lawyer May Go In Supporting a Client's Cause.*

Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the pro-

¹ The form in brackets was originally contained in the report. The form in italics was substituted at the meeting.

fession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery. He must obey his own conscience and not that of his client.

16. *Restraining Clients From Improperities.*

A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

17. *Ill-Feeling and Personalities Between Advocates.*

Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should be carefully avoided.

18. *Treatment of Witnesses and Litigants.*

A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19. *Appearance of Lawyer as Witness for His Client.*

When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in Court in behalf of his client.

20. *Newspaper Discussion of Pending Litigation.*

Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court; but even in extreme cases it is better to avoid any *ex parte* statement.

21. *Punctuality and Expedition.*

It is the duty of the lawyer not only to his client, but also to the Courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

22. *Candor and Fairness.*

The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as

authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by canceling or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23. Attitude Towards Jury.

All attempts to curry favor with juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24. Right of Lawyer to Control the Incidents of the Trial.

As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

25. *Taking Technical Advantage of Opposite Counsel; Agreements with Him.*

A lawyer should not ignore known customs or practice of the Bar or of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court.

26. *Professional Advocacy Other Than Before Courts.*

A lawyer openly, and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the Courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

27. *Advertising, Direct or Indirect.*

The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

28. *Stirring Up Litigation, Directly or Through Agents.*

It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attachés or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

29. *Upholding the Honor of the Profession.*

Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

30. *Justifiable and Unjustifiable Litigations.*

The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the

legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

31. *Responsibility for Litigation.*

No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32. *The Lawyer's Duty in Its Last Analysis.*

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and intent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

III.

OATH OF ADMISSION.

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar, formulated upon that in use in the State of Washington, and which conforms in its main outlines to the "duties" of lawyers as defined by statutory enactments in that and many other states of the Union¹—duties which they are sworn on admission to obey and for the wilful violation of which disbarment is provided:

I DO SOLEMNLY SWEAR:

I will support the Constitution of the United States and the Constitution of the State of.....;

I will maintain the respect due the Courts of Justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. **SO HELP ME GOD.**

We commend this form of oath for adoption by the proper authorities in all the states and territories.

¹ Alabama, California, Georgia, Idaho, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wisconsin. The oaths administered on admission to the Bar in all the other states require the observance of the highest moral principle in the practice of the profession, but the duties of the lawyer are not as specifically defined by law as in the states named.

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